

REMARKS

35 U.S.C. § 103

Claims 23, 24, 27-29, 33-35 and 37-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,507,226 to Burke et al. in view of U.S. Patent No. 5,833,776. to Labesky.

Independent claim 23 requires, in part, “a friction ring carried on said rotatable roll body, said friction ring configured as a belt with two open ends bound together by a fastening apparatus.” Because of this belt-like construction with two bound open ends, the friction ring of claim 23 can be removed without the necessity of having to slide the ring axially along friction roll 1 in order to reach the end of roll 1.

Burke et al. does not disclose such a friction ring. Instead, Burke et al. expressly indicates that its “nip sleeve 14 includes a cylindrical outer layer 30 upon which a smooth continuous outer side surface 32 of the sleeve is disposed, as shown in Fig. 3. . . . The smooth outer side surface 32 of the nip sleeve 14 has no gaps or seams other than one more ring-shaped annular gaps 36 disposed axially along the length of the nip sleeve, as shown in Figs. 1 and 2.” Col 3, line 67 to Col. 4, line 8. Because Burke et al. nip sleeve 14 has no seams – i.e. no bound open ends as set forth in claim 23 - Burke et al.’s nip sleeve must be removed by sliding it axially along the roller through a process that can include removal of bearing support 52 and even removal of the nip roller 12 from the machine.. See Col. 5, lines 20- Col. 6, lines 7. Thus, Burke et al. not only is missing an advantageous limitation of claim 23 that requires a “friction ring configured as a belt with two open ends bound together by a fastening apparatus” but actually teaches against the present application be requiring removal along the axial direction of roller 12.

Nevertheless, despite the fundamental deficiencies of Burke et al., the Office Action asserts that one of ordinary skill in the art would combine Burke et al. with Labesky “to more easily remove the friction ring of Burke.” Applicants respectfully traverse this rejection for at least the following reasons.

First, under MPEP 706.02(j), to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The Office Action of November 28, 2006 fails to identify any such suggestion or motivation from the references or knowledge of one of ordinary skill in the art. In fact, the only reason provided in the Office Action – i.e. “to more easily remove the friction ring” – comes only from a hindsight, improper use of the present application. Burke et al. explains how its nip sleeve is to be axially removed and does not suggest that such method is problematic or undesirable. Labesky, which is drawn from non-analogous art contains no such teaching at all.. Thus, Applicants respectfully submit that not only does the Office Action improperly fail to identify a proper suggestion or motivation, but such combination also contradicts the teachings of Burke et al. regarding how the nip roller should be axially removed.

Second, as required by MPEP § 706.02(j), to combine these references there must be a reasonable expectation of success. No such showing was set forth in the Office Action. In addition, it is respectfully submitted that the combination of Burke et al. with Labesky would not be successful, much less possible. Labesky relates to a Bellville spring, which is a frustoconically-shaped spring. The frustoconical surface could never be used on a friction roll of a textile machine as recited in claim 23 because the frustoconical shape would likely destroy the textile and other parts of the machine. Furthermore, the Office Action recites no motivation for

disregarding this part of the teaching of Labesky. In addition, even assuming that Labesky's frustoconical surface was not problematic, removal of such a spring from the friction roller of a textile machine would require moving the ends of the Bellville spring in opposite directions that are basically parallel to the axis of the spring. This movement is not even possible with a friction ring of a textile machine because of the existing ring tension and the width of the ring. Thus, not only does the Office Action fail to identify a reasonable expectation of success from the prior art as required by MPEP § 706.02(j), Applicants respectfully submit that such combination would not work for a textile machine.

Third, Labesky is drawn from non-analogous art. In order to rely on a reference as a basis for rejection of the Applicants' invention, the reference must either be in the field of Applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. MPEP § 2141.01(a). No basis is provided in the Office Action for how Labesky's Bellville type spring relates to a problem that was being solved by Applicants. This is particularly problematic given that this frustoconical spring would not work on the friction roller of a textile machine. Thus, Applicants respectfully submit that the use of such reference as a basis for rejection was improper.

Finally, under MPEP § 2143.01, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Burke et al. expressly indicates that its "nip sleeve 14 includes a cylindrical outer layer 30 upon which a smooth continuous outer side surface 32 of the sleeve is disposed, as shown in Fig. 3. . . . The smooth outer side surface 32 of the nip sleeve 14 has no gaps or seams other than one more ring-shaped annular gaps 36 disposed axially along the length of the nip sleeve, as shown in Figs. 1 and 2." Col 3, line 67 to

Col. 4, line 8. Even assuming that Burke et al. could be modified with the Bellville spring of Labesky and that there is a suggestion or motivation to do so, such combination would render Burke et al. unsatisfactory for its intended purpose and directly contradict Burke et al.'s requirement of seamless surface. The manufacture of the Bellville as indicated in Burke et al. clearly would leave a seam in the surface at the connection of the two ends – as shown, for example, in Figs. 1, 2, 4, 7, 8, 9, 10 and discussed at Cols. 2, lines 20-22, Col. 3, lines 4-6. The seam that is created by joining the two ends of Burke et al.'s spring clearly contradicts Burke et al. and would leave it unsatisfactory for its intended purpose of having seamless surface. Applicants respectfully submit that the combination is, therefore, improper and the rejection should be withdrawn.

Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claim 23 patentably defines over the above-cited references, taken singularly or in any proper combination. Dependent claims 24, 27-29, 33-35 and 37-46 were also rejected in view of Burke et al. and Labesky. Applicants respectfully submit that at least for the reasons indicated above relating to independent claim 23, the dependent claims also patentably define over the cited references. The patentability of the dependent claims, however, certainly does not hinge on the patentability of independent claim 23. In particular, some or all of dependent claims are believed to possess features that are independently patentable, regardless of the patentability of claim 23.

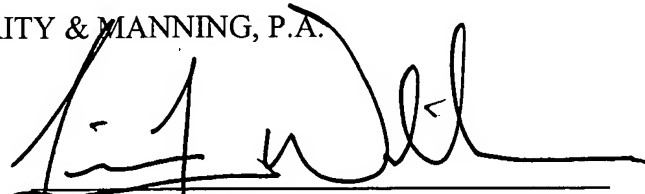
Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, is therefore requested. The Examiner is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this amendment.

No fee for an extension of time to respond to this action is included. However, if any fee or extension of time is required to obtain the entry of this response, the undersigned hereby petitions the Commissioner to grant any necessary time and extension and authorize its charging deposit account no. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

DORITY & MANNING, P.A.

By:

A handwritten signature in black ink, appearing to read "Jim F. Williams", written over a horizontal line.

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